

Court to Study S-1 8/29/67 Sheridan Claim Of DA Revenge

A pre-trial conference has been scheduled Monday by U. S. District Judge Alvin Rubin to determine whether Dist. Atty. Jim Garrison should be stopped from what two television newsmen call harassment of them because of their criticism of the DA's Kennedy assassination probe.

The federal judge ruled yesterday that allegations by Walter Sheridan, an investigative reporter for the National Broadcasting Co., and Richard Townley of NBC's local affiliate, WDSU-TV, were sufficient to require a hearing.

AT THE SAME time, the judge also ruled that Sheridan does not have to appear before the Orleans Parish Grand Jury.

Sheridan has been accused by Garrison of public bribery of his assassination probe witnesses in an attempt to get them to change testimony. Townley faces the same charge plus one of intimidation of a state witness.

However, Garrison won one round of the court bout. The judge ruled against the newsmen on their request that the DA be enjoined from prosecuting them on the public bribery and intimidation charges.

Sheridan and Townley filed suit in federal court after failing to get relief in local court from what they term harassment by Garrison stemming from their televised criticism of his probe.

IN RULING THAT Sheridan does not have to appear before the grand jury (the newsmen, since his arrest, has been fighting against appearing), the judge held that he would be forced to match legal wits with the district attorney without benefit of an attorney.

"Charged as a criminal, he will sit before a grand jury, forced to undergo interrogation outside the presence of his lawyer, required to decide at his peril and without the benefit of counsel present at the time whether any particular question relates to public bribery or does not . . . and, if it does not, whether his answer may incriminate him in any way," the judge wrote in his 33-page decision.

SHERIDAN, THE judge ruled, would be left "naked to those whom he conceives to be his enemies" without his attorney present.

Regarding the denied injunction against prosecution of Sheridan and Townley, the court held that adequate procedures are available in state courts for their protection.

Judge Rubin cited state procedures providing for preliminary examinations in criminal cases through which the state court can decide whether there is probable cause for prosecution.

"This, then, under all the circumstances, is not a case in which 'irreparable injury, clear and imminent, is threatened,'" he concluded.